REMARKS

Reconsideration of all grounds of rejection, and allowance of all the pending claims are respectfully requested in view of the arguments present herein below. Claims 1-8 remain pending herein.

Claims 1, 2, 4, 5, 7 and 8 stand rejected under 35 U.S.C.§103(a) over Guha (U.S. 6,055,588). Applicants respectfully traverse this ground of rejection.

Applicants first respectfully submit that the Guha reference fails to disclose or suggest at least a generating step of an executable code as claimed. That step includes extracting from the summary description DES, a nonexecutable symbolic code defining actions for coloring in points on the output apparatus, and dynamic generation from the symbolic code.

Applicants respectfully submit that in Guha, which was cited by the Applicants in the instant specification as an inefficient and limited method, the generation of code is done by virtue of a routine which reads the bitmaps, with the routine being the same irrespective of the bitmap being read. As the disclosed routine is operational on bitmaps, the routine necessarily reads all the lines of the pixel plane. The code obtained is compiled in advance. Such an approach requires large amounts of time, and is not well suited to an apparatus that does not manipulate pixel planes. In addition, the code as obtained from Guha is not optimal as it contains function calls that impair the speed of execution of such code.

In contrast, the presently claimed invention permits a simplified generation of code while remaining at a high level of abstraction, so that the executable code has a very fast execution rate. This is accomplished in part by the generation of the executable code from the summary description of the character DES. The executable code does not contain function calls but instead

includes colored bytes for coloring in points on the output apparatus. Thus, steps required in Guha that required significant time and resources are eliminated in the presently claimed invention. In addition, the method of generating code is distinguishable from the generation of the code that includes reading a bitmap by a similar routine for all pixels, such as in Guha.

Accordingly, Applicants respectfully submit that a person of ordinary skill in the at the time of invention would not have found any of the instant claims to have been obvious in view of Guha, as this reference fails to disclose, suggest or provide the artisan with motivation to modify the teachings of the reference. In fact, Guha to some degree teaches away from the method/type of generating code disclosed and claimed by the Applicants.

Furthermore, The Court of Appeals for the Federal Circuit has held that:

> Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined *only* if there is some suggestion or incentive to do so. Although couched in terms of combining teachings found in the prior art, the same inquiry must be carried out in the context of a purported obvious "modification" of the prior art. The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.

In re Fritch, 973, F.2d 1260, 1266, 23 U.S.P.Q. 2d 1780, 1783-84 (Fed. Cir. 1992). Applicants respectfully submit that a *prima facie* case of obviousness has not been made as the Office Action fails to set forth how the prior art has suggested the desirability of the modification.

Finally, with regard to comments in the Final Office Acton that an improvement in speed or efficiency does not automatically necessitate a novel invention in that application, Applicants

respectfully note that the claimed method steps are in fact, novel and non-obviousness in view of Guha, and the fact that the method according to the present invention increases both speed and efficiency of what is conventional can be considered as an indicia of non-obviousness of the claimed method. If the method were obvious to an artisan at the time of invention, the U.S.P.T.O. has been unable to provide any proof of same and only cited the patent set forth by the Applicants as an example of an inefficient way to solve a problem, which does not disclose or suggest the method steps as claimed by the instant claims.

Reconsideration and withdrawal of this ground of rejection are respectfully requested.

Claims 3 and 6 stand rejected under 35 U.S.C.§103(a) in view of the combination of Guha and Colleti (U.S. 5,990,907). Applicants respectfully traverse this ground of rejection.

Applicants respectfully submit that at least for the reasons indicated above in the traversal of claims 1, 2, 4, 5, 7 and 8, claim 3 and 6 are believed to be allowable at least for the dependence upon an independent claim that is believed to be allowable for the aforementioned reasons indicated above. The additional teachings of Colletti and Guha still fail even to disclose or suggest Applicant's base claims, and do not disclose, suggest, or provide motivation such that claims 3 and 6 would have been obvious to an artisan at the time of invention.

Reconsideration and withdrawal of this ground of rejection are respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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